

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

(117)

LPA-1175-2023 (O&M)

Date of decision: - 24.08.2023

Haryana Public Service Commission

....Petitioner

Versus

Suman Bala and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE RAVI SHANKER JHA, CHIEF JUSTICE
HON'BLE MR. JUSTICE VIKAS BAHL, JUDGE**

**Present:- Mr. Kanwal Goyal, Advocate
& Mr. Shobhit Raparia, Advocate
for the petitioner.**

**Ms. Divya Sharma, Advocate
for respondents No.1 to 10.**

**Ms. Shruti Jain Goyal, Sr. DAG, Haryana
for respondent No.11.**

RAVI SHANKER JHA, CHIEF JUSTICE (ORAL)

1. This is a Letter Patent Appeal filed by the appellant being aggrieved by an order dated 24.07.2023 passed in CWP-15680-2023 for selection to the post of PGT, whereby the learned Single Bench has allowed the petitioners by way of an interim arrangement to provisionally apply and participate in the ongoing selection process taking into consideration the fact that they have already challenged the condition of requirement of HTET/STET certificate for selection for the post of PGT.

2. Though, the present appeal has been filed by the appellant against an interim order and its maintainability is required to be tested in

view of the law laid by the Supreme Court in 'Midnapore Peoples Co-Op. Bank Ltd. and others Vs. Chunilal Nanda and others', (2006) 5 SCC 399. It is, however, pointed out by the learned counsel for the appellant that in an identical case, wherein, the clause in the advertisement prescribing Haryana Teacher Eligibility Test (HTET) as one of the qualifications for applying for the post of Post Graduate Teacher (PGT)-Fine Arts, has already been upheld by the learned Single Bench of this Court in CWP-15802-2023 titled as 'Monika and others Vs. State of Haryana and another' along with another connected writ petition, vide decision dated 25.07.2023. It is stated that in the circumstances, the condition for possessing HTET as one of the qualifications as prescribed in the advertisement has already been upheld. It is also pointed out that a Division Bench of this Court in case titled as 'Pardeep Kumar and others Vs. State of Haryana and others, 2017(1) S.C.T. 799, has already upheld the prescription of additional and higher qualification for the post of TGT Arts, than those prescribed by the NCTE and has upheld the power of the State to do so. Learned counsel for the appellant has relied upon a decision in the case of 'Visveswaraya Technological University and another Vs. Krishnendu Halder and others, (2011) 4 SCC 606, which has laid down a similar preposition regarding the AICTE norms and regulations. Learned counsel for the appellant has also relied upon a decision of Full Bench of this Court in 'Rahul Prabhakar Vs. Punjab Technical University, Jalandhar, (1997) 117 PLR 13, regarding non-entertaining of applications after the cut-off date and reverse discrimination.

3. Learned counsel appearing for respondents No.1 to 10 has objected to the maintainability of the appeal in view of the law laid down in **Midnapore Peoples Co-Op. Bank Ltd. and others case (supra)**.

4. Learned Senior Deputy Advocate General, Haryana appearing for the State of Haryana, has supported the arguments of learned counsel for the appellant.

5. Having heard learned counsel for the parties and being conscious of the law laid down in **Midnapore Peoples Co-Op. Bank Ltd. and others case (supra)**, we are of the considered opinion that no appeal can be entertained against an interim order. However, in view of the peculiar facts of the present case and the fact that the condition prescribing the Haryana Teacher Eligibility Test (HTET) as one of the qualifications has already been upheld by a Single Bench of this Court in **Monika and others case (supra)** and the decision cited in **Rahul Prabhakar's case (supra)**, the present appeal is disposed of granting liberty to the appellant to place all the aforesaid aspects of law before the learned Single Bench by moving an application. In the meanwhile, it is ordered that the operation of the impugned order passed by the learned Single Bench shall remain stayed.

(RAVI SHANKER JHA)
CHIEF JUSTICE

(VIKAS BAHL)
JUDGE

24.08.2023
naresh.k

Whether reasoned/speaking?
Whether reportable?

Yes/No
Yes/No